

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CATIONIC LIPID COMPOSITIONS TARGETING  
ANGIOGENIC ENDOTHELIAL CELLS

the specification of which

   \* is attached hereto

  X   was filed on March 12, 1997

and assigned Serial No. 08/820,337

and was amended on \*.

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under

consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office,

or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than six months prior to this application.

I hereby claim priority benefits under Title 35, United States Code § 119(e)(1) of any United States provisional application(s) for patent as indicated below and have also identified below any application for patent on this invention having a filing date before that of the application for patent on which priority is claimed:

<u>Application No.</u>	<u>Date of Filing</u> <u>(day/month/year)</u>	<u>Priority</u> <u>Claimed</u>
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Yes ☐ No ☐

I hereby appoint the following attorneys and agents to prosecute that application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to the invention:

Karl Bozicevic, Reg. No. 28,807  
Dianne E. Reed, Reg. No. 31,292  
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Pamela J. Sherwood, Reg. No. 36,677  
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David W. Maher, Reg. No. 40,077  
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Address all correspondence to: Karl Bozicevic at

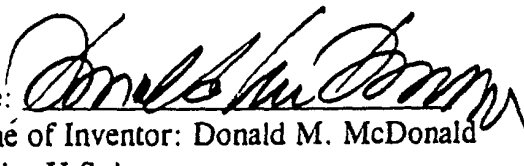
BOZICEVIC & REED LLP  
285 Hamilton Avenue, Suite 200  
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Address all telephone calls to: Karl Bozicevic at (415) 327-3400.

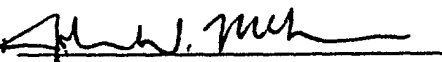
This appointment, including the right to delegate this appointment, shall also apply to the same extent to any proceedings established by the Patent Cooperation Treaty.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Signature:   
Full Name of Inventor: Donald M. McDonald  
Citizenship: U.S.A.  
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Date Aug 11, 1997

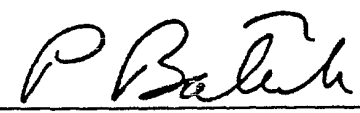
Signature:   
Full Name of Inventor: John McLean  
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Signature: \_\_\_\_\_

Date Aug 11, 1997

Date \_\_\_\_\_

Signature:   
Full Name of Inventor: O. Gavin Thurston  
Citizenship: Canada  
Residence: 1839 10<sup>th</sup> Avenue, San Francisco, CA 94122  
Post Office Address: Same As Above

Date Aug 11/97

Signature:   
Full Name of Inventor: Peter Baluk  
Citizenship: United Kingdom  
Residence: 1271 9<sup>th</sup> Avenue, San Francisco, CA 94122  
Post Office Address: Same As Above

Date 12 Aug 1997

## Express Mail Label No. EL923480432US

**ASSOCIATE POWER OF  
ATTORNEY**Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket	UCSF077CON2
First Named Inventor	MCDONALD
Application Number	To Be Assigned
Filing Date	November 14, 2001
Group Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Title	CATIONIC LIPID COMPOSITIONS TARGETING ANGIOGENIC ENDOTHELIAL CELLS

Dear Sir:

Please recognize the following attorneys and agents:

Name	Reg. No.	Name	Reg. No.
Alan W. Cannon	34,977	Frank Becking	42,309
Kathleen S. Hall	44,143	Paula A. Borden	42,344
Carol M. LaSalle	39,740	Robert C. Hall	39,209
		David D. Phinney	48,364

whose address is Bozicevic, Field & Francis LLP, 200 Middlefield Road, Suite 200, Menlo Park, CA 94025 as my associates in the above identified patent application to inspect the file, to prepare and file amendments, to inspect and make copies thereof and of any papers in any appellate or *inter partes* proceedings in which the Application may be or become involved, and generally to conduct all business in the United States Patent and Trademark Office relating to the prosecution of the application or any application that claims priority from this application.

Please continue to direct all communications to:

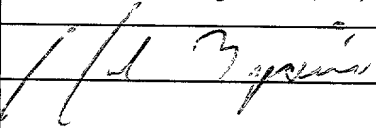
**Please continue to direct all communications to:**

<b>Individual Name</b>	Paula A. Borden		
<b>Firm Name</b>	BOZICEVIC, FIELD & FRANCIS LLP		
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<b>City, State, Zip</b>	Menlo Park, California 94025		
<b>Country</b>	U.S.A.		
<b>Telephone</b>	(650) 327-3400	<b>Facsimile</b>	(650) 327-3231

I am the:

- ☐ Applicant; or  
☐ Assignee of record of the entire interest (*Certificate under 37 CFR 3.73(b) is enclosed.*)  
☒ Attorney of record

**SIGNATURE of Applicant or Assignee of Record**

<b>Name</b>	Karl Bozicevic (Reg. No. 28,807)
<b>Signature</b>	
<b>Date</b>	Nov 14, 2001